

July 7, 2023

Chairman Smith and Members of the Cranston Planning Commission,

These comments are offered in response to the Master Plan application for the proposed Sharpe Drive Solar application being presented by Revity Energy (Application) and the Pawtuxet River Authority (owner)

When this was first placed on the Commission's docket in June, I was excited to see a proposal that would apply under the "new" solar regulations; regulations for which I and so many others fought after the devastation caused by a series of large solar projects in Western Cranston.

At first reading, Sharpe Drive appeared to hit all the right notes: a commercial area, disturbed land, no clearing or other extensive land disturbance anticipated. As I read more, I was taken aback to learn that the area is part of publicly held conservation lands, is under a ELUR and in the FEMA flood zone. I also learned that the proposed use does not align with our FLUM, a critical component of our Comprehensive Plan and runs against a number of our Solar Energy Standards.

My comments are offered in response to these factors and their importance to your treatment of this application.

**Regarding the Site and Ownership:**

The proposed site is part of the Howard Conservation Area under the stewardship of the Pawtuxet River Authority (PRA). According to the PRA website:

*"The Pawtuxet River Authority is a quasi-public benefit corporation created by the RI General Assembly in 1972 (RIGL 46-24). The Authority has been designated the official watershed council of the Pawtuxet River in RI by the RI Rivers Council and does business as the 'Pawtuxet River Authority & Watershed Council.'*

*The Authority is funded by five municipalities through which the river runs-Scituate, Coventry, West Warwick, Warwick and Cranston. The Authority is authorized to improve, preserve and protect the Pawtuxet River. The Authority provides recreational facilities along the river and is expressly authorized "to provide for land and water conservation, construct and maintain hiking and biking trails, flood control and water pollution control facilities, preserve wetlands, construct dams, stream diversion, dikes, walls and pumping stations."*

The Howard Conservation Area is described as follows:

*Pawtuxet River Authority and Watershed Council (PRAWC) owns a 50-acre parcel of land in the cities of Cranston and Warwick along the Mainstem Pawtuxet River, known as the Howard Conservation*

*Area. The Conservation Area was formerly an ill-maintained expanse of illegal trash dumping and abuts the former Cranston Sanitary Landfill which has undergone extensive environmental remediation. PRAWC has been steadily working to make this area a functional urban passive recreation facility as well as a wildlife refuge by combating illegal dumping, eliminating invasive plant species, encouraging native plant growth, and maintaining a former state institution historic cemetery. The Howard Conservation Area is now home to a number of species of wildlife, including a large herd of deer, wild turkey, fox, oriole, cormorant, redheaded woodpecker, night herons, wood duck, grey and blue heron. There is a relatively flat, but grassy rail trail along the northern edge, which connects to a hiking trail along the river looping back to the cemetery providing over a mile of urban trails that are open for the public.”*

In their most recent annual report, the PRA additionally lists the American Bald Eagle as a returning species to these conservation lands.

Our own Cranston Comprehensive Plan specifically references this information under 5) Natural Resources:

***“Pawtuxet River Authority***

*The Pawtuxet River Authority (PRA) focuses on a variety of ways to protect and improve both the natural and recreational benefits of the Pawtuxet River and its tributaries. Under authority of the State, the PRA manages several parcels of land along the Pawtuxet River, organizes recreational activities, educates people about the River’s importance, and promotes its benefits.*

*The PRA’s most recent land acquisition included a 48-acre parcel located along the River in the Howard Industrial Park. This type of land stewardship protects natural resources and open space for the citizens of Cranston as well as other people that live, work, and utilize the River.”*

Given the context of these lands and the PRA’s own mission, this is a confusing application and raises questions as to why the PRA would choose to dismiss its state-mandated work in this way, how public serving conservation lands can be removed from their state-deeded status and how this use can be inserted into lands expressly places into conservation on behalf of the state and the member municipalities who financially support the PRA.

One reason for this desire to reverse the property’s conservation status is suggested in the Planning Staff Memo (both the original June 6 version and the edited July 6 version). As way of explanation for the project’s inconsistency with the Comprehensive Plan and the FLUM, Staff write:

- *The owner of the property is the Pawtuxet River Authority, who’s [sic] mission is “to protect and improve RI’s Pawtuxet River and it’s [sic] watershed.” The intention of the non-profit is to utilize the funds generated via the lease agreement with Sharpe Drive, LLC. to offset the expenses of their headquarters; by which the ownership and operation of said headquarters is a requirement of RI General Law. This offsetting of expenses aids the non-profit in preserving and protecting over 100 acres of land within the Pawtuxet River Watershed and more specifically the remainder of the undeveloped 50 acres of land located on this parcel.*

- *The installation of this photovoltaic system requires a relatively small land area while generating a substantial amount of energy compared to traditional energy sources.*
- *By generating revenue for the Pawtuxet River Authority, minimizing ecological impacts on this site, and contributing to clean energy generation within Cranston, this solar development can be a powerful tool in sustainable land management for the non-profit.*

Based on RIGL 46-24, the PRA's operations are funded by the member communities. The PRA's apparent fiscal problems do not alleviate the need for their project to conform to the Cranston Comprehensive Plan, the FLUM and the Comprehensive Plan's related zoning regulations.

Regarding Cranston Code 17.24.20 (Solar Energy Systems):

Since the original June 6<sup>th</sup> meeting date, the Applicant has added a great deal of information for the public's perusal. That is wonderful. I especially note the recent addition of a June 30<sup>th</sup> report from Planning Expert Ed Pimental that specifically addresses 17.24.20, standards that went unmentioned in the staff memo.

Mr. Pimental maintains that the standards are being met. While I agree with him in part, I do not concur with his repeated statement that visual intrusions are the only real issue the public has with solar installations. Indeed, our zoning code addresses other concerns in great detail and I reference some of these below. In the majority, Mr. Pimental's report discusses the State Energy Plan's Guidance Book as rationale for this project. I prefer to look most closely at our Zoning regulations. In what follows, I focus on 17.24.20 (Solar Energy Systems).

**Cranston Code 17.24.20 (Solar Energy Systems), F, 1, b):**

*SEs shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed or other applicable legal document specifically allows for such facility.*

The Howard Conservation Area is held in conservation, by a quasi-public agency put into place by the State of Rhode Island. The deed is clear as to the agency to which the land is being gifted and makes no exception for a solar energy facility. The land has been held in charitable status (paying no real estate taxes) for the period of its 20-year ownership by PRA. According to F,1, b), this makes it ineligible. Has the PRA requested a change in status for this land?

**Cranston Code 17.24.20 (Solar Energy Systems), F, 6, c), ii:**

*Where a project abuts an incompatible use or a residential zone, the applicant shall use an inclusive approach with the abutters within four hundred (400) feet of the project site do develop an effective visual screening plan. Buffer depth requirements will be flexible as to an*

*appropriate extent based on site conditions while still achieving effective visual screening. Where appropriate, stockade fencing shall be used to satisfy the screening where the existing screening is insufficient. The materials and aesthetics of the stockade fence shall be a topic to be addressed as part of the inclusive approach, and may be conditioned by the approving body. A stockade fence alone will not suffice for visual screening, from the right-of way or abutting properties plantings shall be required in between the project fencing and the property lines as determined during the inclusive approach.*

The project abuts an incompatible use, specifically wildlife and plant habitats. What kind of screening will be offered and where will it be located? How will it be made compatible with the existing habitat. While landscape plans are not due at Master Plan stage, it is important to understand these plans now, especially given the ELUR. Oddly, Mr. Pimental simultaneously maintains no abutting use is incompatible *and* acknowledges that per the Code, an outside LA may be required. Which is it?

The presence of the abutting wildlife habitat surely demands a wildlife survey and habitat assessment and mitigation if needed.

**Cranston Code 17.24.20 (Solar Energy Systems), F, 9, a):**

*All utility cables on the project site shall be underground. The approving body may, at its discretion, grant relief from this requirement if there are physical barriers to underground utilities as found by National Grid which are entirely separate from matters of cost. The approving body may deny a project based on the aesthetic impacts of aboveground utilities.*

Will undergrounding of the interconnection be feasible given the ELUR in place. Will undergrounding be feasible given FEMA?

**Cranston Code 17.24.20 (Solar Energy Systems), G, 1, a):**

*Required at Master Plan stage:*

*a) A copy of the Preliminary Interconnection Feasibility Study from National Grid or the applicable utility company.*

Has this requirement been met? The materials available to the public do not include this study.

**Cranston Code 17.24.20 (Solar Energy Systems), F, 3, c).**

*No individual panel within a ground-mounted SES shall exceed twelve (12) feet in height. The approving body may grant relief from this requirement at its discretion should uses(s) be proposed underneath the panels which are allowed under zoning and are compatible and appropriate uses on the site.*

This project is located in a FEMA flood zone. FEMA requires specific installation height above the 100-year flood plain. Has the final height of the proposed panels been resolved with this elevation requirement and that of F,3,c)?

**Conclusion:**

This is the first real opportunity for the Planning Commission to review a solar project under the new regulations. The comments above are offered with respect and consideration of the task before you and with respect and consideration for the tremendous community asset of the Pawtuxet River and the decades of restoration that conservation efforts have afforded our community.

This project, its lease terms (25 years with three additional 5-year options for a total of 40 years) and its permanent interconnection infrastructure represent a lifetime of change to land that has been under a tax-exempt, non-profit recovery strategy for twenty years.

Should you decide to support this project, I strongly urge you to uphold the Solar Standards, require the maximum due diligence and weigh the overall impacts of this project on the recovering Pawtuxet Watershed and, if necessary, create additional conditions of approval that will address the application's shortcomings.

Respectfully,

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